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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,165	02/04/2002	Michael J. Wookey	P7231	4921
33438	7590	03/03/2005	EXAMINER	
HAMILTON & TERRILE, LLP P.O. BOX 203518 AUSTIN, TX 78720			LIN, KENNY S	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,165

Applicant(s)

WOOKEY ET AL.

Examiner

Kenny Lin

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/10/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-18 are presented for examination.
2. The IDS has been considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2, 5-8, 11-14 and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Dyer et al (Dyer), US 6,349,340.

5. As per claim 1, Dyer taught the claimed invention including a method of communicating in a remote service system comprising:

- a. Communicating a forward channel communication using a forward channel communication path (abstract, col.3, lines 38-39, col.4, lines 13-15, col.5, lines 54-57; channel for receiving client request);
- b. Communicating a back-channel communication using a back-channel communication path, the back-channel communication path being established

only after a forward channel communication path is established (col.2, lines 33-35, col.6, lines 26-29; enabling the source communication channel); and,

- c. Using the back-channel communication path to multicast a message to a group of components (col.2, lines 31-38).

6. As per claim 7, Dyer taught the claimed invention including a method of communicating in a remote services system comprising:

- a. Assigning a plurality of components within the remote services system with a respective plurality of unique remote services identifiers (col.2, lines 31-38, 44-47, col.3, lines 38-40, col.7, lines 28-30; identifying a source);
- b. Communicating a forward channel communication using a forward channel communication path (abstract, col.4, lines 13-15, col.5, lines 54-57; channel for receiving client request);
- c. Communicating a back-channel communication using a back-channel communication path (col.2, lines 33-35, col.6, lines 26-29; enabling the source communication channel); and,
- d. Using the back-channel communication path to multicast a message to a group of components based upon unique remote services identifiers corresponding to components of the group of components (col.2, lines 31-38).

7. As per claim 13, Dyer taught the claimed invention including a remote services system comprising:

- a. A plurality of components, the plurality of components including a respective plurality of unique remote services identifiers (col.2, lines 31-38, 44-47, col.3, lines 38-40, col.7, lines 28-30; identifying a source);
- b. A forward channel communication path coupled to the plurality of components (abstract, col.4, lines 13-15, col.5, lines 54-57; channel for receiving client request);
- c. A back-channel communications path coupled to the plurality of components, the back-channel communications path allowing multicast of a message to a group of components based upon unique remote services identifiers corresponding to components of the group of components (col.2, lines 31-38, col.6, lines 26-29; enabling the source communication channel).

8. As per claims 2, 8 and 14, Dyer taught the invention as claimed in claims 1, 7 and 13.

Dyer further taught that the message being multicast is an administrative control message (col.4, lines 53-55).

9. As per claims 5, 11 and 17, Dyer taught the invention as claimed in claims 1, 7 and 13.

Dyer further taught that the remote services system includes an intermediate mid level manager, the intermediate mid level manager performing the multicast (col.5, lines 46-50, col.7, lines 7-35, col.8, lines 16-20; data distribution manager).

Art Unit: 2154

10. As per claims 6, 12 and 18, Dyer taught the invention as claimed in claims 1, 7 and 13.

Dyer further taught that the remote service system includes an application mid level manager, the applications mid level manager sending a request to the intermediate mid level manager to perform the multicast (col.5, lines 43-45; Network application software).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 3-4, 9-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dyer et al (Dyer), US 6,349,340, in view of Kamentsky et al (Kamentsky), US 2002/0065929.

13. As per claims 3-4, 9-10 and 15-16, Dyer taught the invention substantially as claimed in claims 1, 7 and 13. Dyer did not specifically teach that the message being multicast is a bulk transfer request or a bulk data response. Kamentsky taught that the messages being multicast can be a bulk transfer request or a bulk data response (abstract, pp. 0006, 0023, 0031-0032, 0037, 0040-0041, 0044). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Dyer and Kamentsky because Kamentsky's

Art Unit: 2154

teaching of effective transferring of bulk data enables Dyer's method to send large multicasting messages such as Universal Data Protocol message (see Kamentsky, abstract).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eyuboglu et al, US 6,781,999.

Araujo et al, US 6,097,720.

Buskens et al, US 5,905,871.

Kristol et al, US 5,541,927.

Buchsbaum et al, US 2002/0136201.

Chiang et al, US 2004/0221292.

15. A shortened statutory period for reply to this Office action is set to expire **THREE MONTHS** from the mailing date of this action.

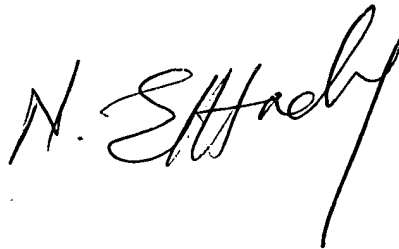
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenny Lin whose telephone number is (571) 272-3968. The examiner can normally be reached on 8 AM to 5 PM Tue.-Fri. and every other Monday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2154

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ksl
April 27, 2005

A handwritten signature in black ink, appearing to read "N. S. Hachy". The signature is written in a cursive, flowing style with a long, sweeping tail that extends downwards and to the right.